

Calendar date of 06/03/10

**THE NOTES BELOW REPRESENT NOTES
AFTER THE SECOND CHECK HAS BEEN
COMPLETED. NO FURTHER DOCUMENTS
WILL BE REVIEWED PRIOR TO HEARING.**

The Probate Examiners can be reached at

ProbateNotes@sb-court.org

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

PROBATE

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO DS1000155**

CASE NAME: ANNE ROBERTSON

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

DONNA CRUZ (PET)...PRO/PER
ANNE ROBERTSON (DEC)...

GENERAL INFORMATION

Continued from 4/20/10 and 4/29/10 for proof of publication. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA filed by daughter

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. All residual heirs have waived bond.

RECOMMENDATION:

RFA, no bond. If approved, set hearing on accounting/status review for **8/11/11**.

Accounting to be filed 30 days in advance.

(gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0600319**

CASE NAME: DANNY EDWARD STOKES

HEARING:

Petition For Preliminary Distribution

COUNSEL:

EDWARD STOKES (PET)...PATTEN FAITH & SANDFORD
DANNY EDWARD STOKES (DEC)...

GENERAL INFORMATION

Continued from 4/29/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Petition for Preliminary Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 3/7/07 (limited authority, no bond)
2. Petitioner alleges only one creditor's claim was filed which is currently in litigation. The claim was filed by Linda Attiyeh for \$400,000 for the plane crash by decedent which purportedly caused significant damage to claimant's house. Petitioner believes that the decedent's insurance company is providing a defense and any judgment obtained will be covered by the carrier.
3. Petitioner further alleges the net value exceeds 50% of the proposed distribution including the full amount of the creditor's claim.
4. Petitioner requests that the corporate shares of Detroit Auto Body, Inc., be distributed to petitioner and his brother each as to 50% which business will continued to be managed by petitioner. Petitioner claims that the estate has sufficient remaining assets to satisfy the creditor's claim, if necessary.

RECOMMENDATION:

Court's discretion.

(gls)

FUTURE HEARINGS

10/20/10 Accounting Review

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800263**

CASE NAME: MARY R. MONTES

SEE ALSO 4

HEARING:
Accounting Review

	COUNSEL:
RUBEN S RIVERA	(PET)...PRO/PER
MARY R MONTES	(DEC)...

X Reference PRO 0800264

GENERAL INFORMATION

Continued from 1/14/10, 3/11/10 and 4/22/10. Court orders petitioner's appearance at this hearing or be represented by counsel.

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 11/12/08 (full authority, no bond)
2. No inventory, accounting or status report is filed. Need same.
3. Note: The Probate Referee has filed a Status of Appraisal indicating that the real property title does not show in decedent's name, and that the executor is investigating the matter.

RECOMMENDATION:

Find out status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(gls)

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800264**

CASE NAME: ELIAZ SOTO RIVERA

SEE ALSO 3

HEARING:

Accounting Review

COUNSEL:

RUBEN S RIVERA (PET)...PRO/PER
ELIAZ SOTO RIVERA (DEC)...

X Reference 800263

GENERAL INFORMATION

Continued from 1/14/10, 3/11/10 and 4/22/10. Court orders petitioner's appearance at this hearing or be represented by counsel.

THIS CASE IS SET FOR HEARING ON Accounting/Status Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 11/12/08 (full authority, no bond)
2. No inventory, accounting or status report is filed. Need same.
3. Note: The Probate Referee has filed a Status of Appraisal indicating that the real property title does not show in decedent's name, and that the executor is investigating the matter.

RECOMMENDATION:

Find out status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.
(gls)

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800273**

CASE NAME: ANA ISABEL COLINDRES SPECIAL NEEDS TRUST

HEARING:

Petition for **THIRD**ATTORNEY'S FEES AND FOR ORDER DIRECTING
PAYMENT TO COURT APPOINTED COUNSEL

COUNSEL:

PFF BANK & TRUST (PET)...ALTHOUSE & MCDONOUGH
DONNASUE SMITH ORTIZ (PET)...DONNASUE SMITH-ORTIZ
ANA ISABEL COLINDRES SPECIAL N(TRU)...
CITIZENS BUSINESS BANK (STE)...ALTHOUSE & MCDONOUGH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Third Petition for Attorney's Fees filed by
Attorney Donnasue Smith-Ortiz, court-appointed counsel

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney requests fees of \$3,993.00. Billed at \$295/hour for attorney time and \$75/hour for paralegal time. Itemized. Counsel includes a balance forward of \$1,424.25 (approved 6/23/09 and subsequently paid by trustee on or about 8/7/09. Thus, it appears the balance of \$2,568.75 is due and owing. JTD

RECOMMENDATION:

Court's discretion.

(gls)

FUTURE HEARINGS

11/04/10 Accounting Review

01/13/11 Final Discharge

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800329**

CASE NAME: MTR OF DANIEL A COLANGELO

HEARING:

WAIVER OF Account and Report of CYNTHIA LEIGHTON and Petition
for allowance of fees filed.

COUNSEL:

CYNTHIA LEIGHTON (PET)...DARIN W BARBER
DANIEL A COLANGELO (DEC)...

GENERAL INFORMATION

Continued from 4/15/10 at request of counsel

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and
Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All heirs waive an accounting.
2. Petitioner waives compensation.
3. Attorney requests statutory fee of \$17,961.20. As there is limited cash available,
petitioner requests to pay attorney \$7,961.20 in cash and place a lien of
\$10,000 against the promissory note secured by deed of trust. JTD

RECOMMENDATION:

RFA subject to court's discretion re note 3. If approved, court to set hearing re filing
receipts and final discharge for **6/9/11**.
(kra/gls)

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0800989**

CASE NAME: JAMES CLARENCE EUBANKS

HEARING:

FIRST AND FINAL Account and Report of OLINDA K. EUBANKS and
Petition for allowance of fees filed.

COUNSEL:

OLINDA K. EUBANKS (PET)...FAZIO & STONE
JAMES CLARENCE EUBANKS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First and Final Report and Petition for
Termination of Probate Proceedings for lack of assets

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters of Administration issued 3/3/09 (full authority, \$20,000 bond)
2. Petitioner alleges the sole asset of the estate was real property located at 58261 Delano Trail, Yucca Valley, which was subject to a reverse mortgage at the date of decedent's death. Petitioner was authorized to execute a deed in lieu of foreclosure by the court on 9/24/09 transferring the property back to the lender. As such, there are no assets subject to administration.
3. Both petitioner and counsel waive statutory compensation.

RECOMMENDATION:

RFA. If approved, set hearing on the filing of final discharge for **6/9/11**.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900089**

CASE NAME: MICHAEL LAWRENCE COWDREY

HEARING:

WAIVER OF Account and Report of HOPE ANN COWDREY and Petition
for allowance of fees filed.

COUNSEL:

HOPE ANN COWDREY (PET)...JAMES C. ZANIAS
MICHAEL LAWRENCE COWDREY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Final
Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. All residual beneficiaries have waived an accounting.
2. Petitioner and attorney request statutory compensation of \$16,633.88. Ok.
3. Petitioner requests authority to withhold \$1,000 for closing costs. Ok.
4. Petitioner maintains an interest-bearing estate bank account but the balance exceeds FDIC limits. However, as this is a final accounting and petition for distribution, the issue may be moot.

RECOMMENDATION:

RFA. If approved, set hearing on the filing of receipts and final discharge for **6/2/11**.
(gls)

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900173**

CASE NAME: JANET R OSBORN

HEARING:

Hearing Re: Will Contest to Dismiss Petition

COUNSEL:

CHARLES BURTRON	(PET)...	GUAY P WILSON
JANET R OSBORN	(DEC)...	
WILLIAM BURTRON	(OBJ)...	PRO/PER
BRENDA VEGA	(PRO/PER	)...PRO/PER
MYRNA KELSEY	()...

GENERAL INFORMATION **continued from 4/29/10. Counsel to file a motion to dismiss. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON re Will Contest to Dismiss petition

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. A copy of the summons and will contest were served and acknowledgments of receipt filed by the heirs/beneficiaries. However, need personal service and/or acknowledgment from Sandra House and Jennifer Gray Jr.
2. The Will contest is brought by William Burtron, nephew of decedent. Contestant alleges that the respondent, Charles Burtron lodged a document dated 12/3/08 as decedent's purported Will. The document is dated 9 days before the date of decedent's death. Contestant argues that the decedent lacked mental capacity to create a Will and the Will was procured by undue influence. Contestant also makes a claim for imposition of constructive trust against respondent that if the *invalid will* were admitted to probate, then respondent would be in possession of significant assets belonging in whole or in part to contestant.
3. **Answer is filed by respondent denying contestant's allegations and claims.**

RECOMMENDATION:

Find out status of motion to dismiss. Alternatively, set for Evidentiary hearing.
(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900205**

CASE NAME: RICHARD C. GROVE

HEARING:

FIRST AND FINAL Account and Report of MARGARET L REAUGH and
Petition for allowance of fees filed.

COUNSEL:

MARGARET L REAUGH (PET)...A. MERLE SESSIONS
RICHARD C GROVE (DEC)...

GENERAL INFORMATION

Continued from 4/29/10. No appearance.

THIS CASE IS SET FOR HEARING ON First and Final Report on Waiver of Account

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Counsel alleges that the notice of hearing and proof of service is filed. However, it is not located in the file. Need to submit conformed copy.
2. The residual beneficiaries have waived an accounting.
3. Petitioner requests statutory commissions of \$6,496.00. Ok.
4. Attorney requests statutory fees of \$6,496.00. Ok.
5. There is no allegation as to notice to the California Victims Compensation Board or Franchise Tax Board per Pr.C. §9202(b)-(c). **Supp: Counsel alleges notice has been given. Need to submit notice with proof of service.**

RECOMMENDATION:

Need to clear notes 1 and 5. If approved, set hearing on the filing of receipts and final discharge for **6/2/11**.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900235**

CASE NAME: MTR JAMES MICHAEL WILSON

SEE ALSO 12 13

HEARING:

Motion Re: TO COMPEL RESPONDENTS TO PRODUCE DOCUMENTS Filed by
Petitioner NATALIE WILSON

COUNSEL:

NATALIE WILSON	(PET)...BACKUS,BLAND,NAVARRO & WEBER
JAMES MICHAEL WILSON	(DEC)...
DENNIS VERHAGEN	(PET)...ALLAR, SHELTON & O'CONNOR
ELIZABETH VERHAGEN	(PET)...ALLAR, SHELTON & O'CONNOR
JAMES MICHAEL WILSON	(DEC)...
ANASTASIA VERHAGEN	(ALLAR, SHELTON & O'CONNOR)...ALLAR, SH
NICHOLAS WILSON	(BACKUS,BLAND,NAVARRO & WEBER)...BACKUS

No notes – Judge to decide

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900235**

CASE NAME: MTR JAMES MICHAEL WILSON

SEE ALSO 11 13

HEARING:

Petition for PROBATE OF WILL AND FOR LETTERS OF TESTAMENTARY
WITH LIMITED AUTHORITY

COUNSEL:

NATALIE WILSON	(PET)...	BACKUS,BLAND,NAVARRO & WEBER
JAMES MICHAEL WILSON	(DEC)...	
DENNIS VERHAGEN	(PET)...	ALLAR, SHELTON & O'CONNOR
ELIZABETH VERHAGEN	(PET)...	ALLAR, SHELTON & O'CONNOR
JAMES MICHAEL WILSON	(DEC)...	
ANASTASIA VERHAGEN	(ALLAR, SHELTON & O'CONNOR)...	ALLAR, SH
NICHOLAS WILSON	(BACKUS,BLAND,NAVARRO & WEBER)...	BACKUS

GENERAL INFORMATION:

Continued from **5/4/09, 6/1/09**, and on **07/27/09** as a demurrer is set for Civil matter. Court declines to consolidate these matters at this time pending the outcome of the demurrer.

Continued from **09/15/09**. Matter is contested. A civil matter is related to this case.

Continued from **11/24/09** to be heard with motion to consolidate.

Continued from 12/21/09, 2/1/10 and 4/29/10 at request of parties. On 12/21/09, Court grants motion to consolidate with civil matter.

THIS CASE IS SET FOR HEARING ON

#1 Petition for administration, with full authority under IAEA and no bond by daughter.

#2 Petition for Letters Testamentary, with limited authority under IAEA and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition #1 by Natalie Wilson

1. Heirs waive bond.
2. Petitioner is decedent's daughter. She is informed that shortly before his death the decedent executed a will, leaving all of his assets to a non-relative: Elizabeth Verhagen. Petitioner alleges that despite demand, Ms. Verhagen has failed to

present a copy of the document. Based thereon the petitioner brings the instant petition.

3. A competing petition has been filed by Elizabeth Verhagen and Dennis Verhagen.

Petition #2 by Dennis Verhagen and Elizabeth Verhagen

1. Petitioners are the sole beneficiaries under the will and waive bond.
2. Petitioner and Nicholas Wilson have filed a First Amended Will Contest.
3. Petitioner and Nicholas Wilson have filed a Notice of Related Case indicating that there is a pending civil case in which the Wilsons seek the return of real and personal property that belonged to the decedent.
4. Will contest filed by Natalie on 05/12/09 and fist amended petition filed on 06/25/09. Response filed 11/20/09.
5. Need proof of service of summons re First Amended Verified Will Contest on Anastasia Verhagen. **Attorney Keith Walker was served. However, it is not clear if counsel also represents Ms. Verhagen.**

RECOMMENDATION:

Matter is set for trial.

(NMT/cbr/vet/smj/cbr/abs/kra/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900235**

CASE NAME: MTR JAMES MICHAEL WILSON

SEE ALSO 11 12

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

NATALIE WILSON	(PET)...	BACKUS,BLAND,NAVARRO & WEBER
JAMES MICHAEL WILSON	(DEC)...	
DENNIS VERHAGEN	(PET)...	ALLAR, SHELTON & O'CONNOR
ELIZABETH VERHAGEN	(PET)...	ALLAR, SHELTON & O'CONNOR
JAMES MICHAEL WILSON	(DEC)...	
ANASTASIA VERHAGEN	(ALLAR, SHELTON & O'CONNOR)...	ALLAR, SH
NICHOLAS WILSON	(BACKUS,BLAND,NAVARRO & WEBER)...	BACKUS

See prior notes (page 12)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **PRO PS0900483**

CASE NAME: MTR OF RAYMOND GAYNOR

HEARING:
Readiness Calendar

	COUNSEL:
IRENE OWENS	(PET)...SUZANNE M GRAVES
RAYMOND GAYNOR	(DEC)...
DARLENE GAYNOR	(OBJ)...CURTIS R AIJALA

No notes – Readiness

FUTURE HEARINGS
06-09 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **RPR RS02383**

CASE NAME: THE RAFAEL HERNANDEZ TRUST

HEARING:

Petition for **FOURTH** ATTORNEY'S FEES AND COSTS AND FOR ORDER
DIRECTING PAYMENT TO COURT APPOINTED COUNSEL

COUNSEL:

WELLS FARGO BANK, N.A. (PET)...FARMER & RIDLEY
RAFAEL HERNANDEZ SPECIAL NEEDS(DEC)...
OBO MINOR CHILDREN (MIN)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Fourth Petition for Attorney's Fees and Costs
filed by Attorney Donnasue Smith-Ortiz

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney request fees of \$2,866.85, together with costs of \$40.00, for a total
of \$2,906.85. Billed at \$275-295/hour for attorney time and \$75/hour for
paralegal time. Itemized.

RECOMMENDATION:

Court's discretion.

(gls)

FUTURE HEARINGS

4/7/11 Accounting Review

Superior Court of Calif, County of San Bernardino

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San Bernardino Superior Court

CIVPRO

San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS02727**

CASE NAME: IN THE ESTATE OF RICHARD J FRENCH

HEARING:

FIRST Account and Report of JOAN E FURCINITI and Petition for allowance of fees filed.

COUNSEL:

RICHARD J FRENCH	(DEC)...
CHRYL L BURKHARDT	(PET)...MICHAEL J TORCHIA
LISA CORTEZ	(PET)...PRO/PER
REYNA FRENCH	(PET)...BROWN, WHITE & NEWHOUSE LLP
JOAN E FURCINITI	(PET)...PRO/PER
BERNARD M BIDART	(TP)...PRO/PER

GENERAL INFORMATION:

Petition to compel accounting by Reyna (daughter of Richard W. French) granted 5/26/09.

Continued from 12/14/09, 2/4/10, 3/15/10 and 4/29/10. On 4/29/10, parties indicate objections to be filed by Rena French. Nothing new filed.

THIS CASE IS SET FOR HEARING ON 1st account current and report of trustee of testamentary trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Testamentary trust established in 1/19/99 as decedent died 1/13/98. The trust provided for Lisa Cortez and Richard W. French for their lifetime and distribution to their perspective heirs upon each beneficiaries' death. Richard W. French died April 2003.
2. Accounting period covers 1/13/98 – 3/28/03.
3. The estate had contained one parcel of real property and proceeds from a life insurance. Zero assets currently on hand as petitioner alleges that all assets were distributed in full to the beneficiaries.
 - a. All cash in the trust was also distributed and receipts filed 5/24/99.
 - b. On 3/28/03 Richard W. French sold his interest in the real property to Lisa Matus (Cortez) for a sum. The purpose of the Trust is to provide for the benefit of Lisa and Richard for their support, care and maintenance during

their lifetime, and that any principal or income remaining shall be distributed to their respective heirs upon the beneficiaries death.

Question the authority to distribute the entire trust prior to the death of the beneficiaries. Need verified supplement.

4. No objections filed at the time of review of this file.

RECOMMENDATION:

Need verified supplement and Court's discretion.

(kra/gls/kra/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS03385**

CASE NAME: MATTER OF ROMAN R VIDAURRI

HEARING:
Hearing re Final Discharge

COUNSEL:
BLANCA EVA MARTINEZ (PET)...HARTNELL HORSPOOL & FOX
ROMAN RAYMOND VIDAURRI (DEC)...
LYDIA VIDAURRI (PET)...THOMAS
DEBORAH S VIDAURRI (TP)...ERIC R YAMAMOTO

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Order for Final Distribution granted 5/28/09
2. Need to file receipts and submit final discharge.

RECOMMENDATION:

Find out status.

(gls)

CIVPRO San Bernardino Superior Court
San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS05540**

CASE NAME: MTR OF KUDJER FAMILY REVOCABLE LVNG TRST

SEE ALSO 19

HEARING:
Hearing Re: Status

COUNSEL:

ANTON KUDER (PET)...GRESHAM SAVAGE NOLAN & TILDEN
KUDJER FAMILY REVOCABLE LVNG T(TRU)...
MELODIE Z SCOTT (PET)...HARTNELL LISTER & MOORE
FRANK KUDJER (TP)...ARIAS AAEN

GENERAL INFORMATION:

Continued from 08-06-09, 10/28/09, 1/14/10 and 3/26/10. On 1/14/10, the court orders the Trustee to make distribution of real property other assets before the accounting can be approved. The court sets 3/26/10 as the date to hear the petition for allowance of fees. Finally, the court reserves the dates of 7/14-7/16 for hearing of the accounting matter.

NOTE: A petition for order instructing trustee re distribution is also before the court (see page 19)

THIS CASE IS SET FOR HEARING ON Petition for Allowance of Fees

(previously) First, Second and Third Account Current and Petition for Allowance of Fees filed by Melodie Scott, Successor Trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition for Allowance of Fees

1. Petitioner has paid herself reasonable fees and fees to her counsel as authorized by the trust instrument. Petitioner alleges that the court, in its appointment of petitioner as Interim Successor Trustee allowed the petitioner to apply to the court for compensation for the services provided

and set a schedule for further reporting. In the Judgment appointing petitioner as successor trustee, the court's order is silent as to further judicial supervision. Total trustee's fees of \$76,500 and attorney's fees of \$30,726.50 have been paid. Petitioner will provide further detail if required to do so. However, California Rules of Court 7.903(c)(8) provide that the trustee's and attorney's fees must be fixed and allowed by the court. Does court wish to require petitioner to submit detailed billings for fees already taken? **Supp: Counsel alleges 7.903(c) is applicable only to Trusts funded by court order. Therefore, this section does not apply. However, petitioner is reporting all fees earned.**

2. Pursuant to the Court's Order of 10/2/06, the Trust corpus was to pay attorney's fees and costs awarded to Toni Kudjer. Do not see any fees for Toni's counsel (Gresham, Savage, Nolan & Tilden). Question if these fees/costs have been paid? **Supp: Fees are paid. However, petitioner alleges there was an overpayment of fees of \$57,000. Petitioner has made demand for return of the excess but the request was declined. Petitioner has filed a Petition for Instructions re this matter (see page 19).**

(prior notes) First, Second and Third Accounts Current:

1. On or about July 27, 2005, the court issued its Final Statement appointing Melodie Scott as Successor Trustee of the Kudjer Family Revocable Living Trust established 5/28/92, including the subtrusts, and fixed bond at \$100,000. The original settlors, Anton Kudjer and Cecelia Kudjer, died on 8/14/92 and 5/4/08, respectively. Upon the death of Anton Kudjer and pursuant to the terms of the trust, the trust estate was divided into three subtrusts: (1) The Survivor's Trust; (2) Marital Deduction Trust; and (3) the Bypass Trust. Petitioner provides her accounting for the various subtrusts for the period of 8/2/05-12/31/08.
2. Petitioner alleges that an extension has been obtained to file the Federal Estate Tax Return. Together with such extension, petitioner made an estimated payment of \$60,000. The extension is good through the 8/1/09. Question the status of filing the Federal Estate Tax Return? **Supp: The return is filed and a determination made that no tax was due.**
3. The following are notations/inquiries regarding the accounting which require verified supplement:
 - (a) On or about 5/3/06, petitioner filed a Special Account and Report of Interim Successor Trustee which covered the period 2/1/01 – 6/30/05. This accounting listed the assets that were allocated to the various subtrusts and totaled \$428,930.79 in the Survivor's Trust, \$105,127.73 in the Marital Trust and \$10,800.62 in the Bypass Trust as of 6/30/05.
 - (c) Receipts for Community Bank checking accounting ending **761 is carried in the Marital Trust, but petitioner's Interim account shows this account held in the Survivor's Trust. Article II, Section 2.7.1 of the Trust provides that the Marital and Bypass Trusts are irrevocable and

not subject to alteration or modification upon the death of the first settlor to die. Need clarification for why this account was moved to another sub-trust (i.e., Survivor's Trust). **Supp: petitioner alleges the beneficiaries of the trust(s) are identical so there is no consequence by the intertrust transfers. The funds were moved for the convenience of the administration of the trust.** However, there can be consequences and penalties imposed by IRS, including the disallowance of the Marital Tax deduction to the date of the first settlor's death Internal Revenue Code 2056 and 2523. If a Marital Tax deduction was not used on the estate tax return, then issue is moot. Question if the inter-trust transfers affected the value of either the Marital or Bypass Trusts? File verified supplement.

- (e) On 8/27/05, 11/29/05 and 8/23/06, the Survivor's Trust received funds totaling \$60,000 from the Marital Trust. On 1/20/06, \$50,000 was reimbursed to the Marital Trust. Additionally, at the time of petitioner's appointment as Interim Successor Trustee on 7/27/05, the court specifically ordered that the parties are not to hypothecate, transfer or secrete any of the assets of the three Trusts. Question why funds are being transferred between trusts if the Marital Trust is irrevocable and there was a specific court order precluding same? **Supp: The order was against "Frank Kudjer" not against petitioner. Additionally, petitioner believes if applicable to petitioner, the order does not prohibit intertrust transfers. Moreover, there was no consequent to the trust or its beneficiaries by such transfers.**
- (f) On 7/16/07, petitioner paid the probate referee, Bernard Bidart \$1,645.00 for the appraisal fee from the Survivor's Trust, \$1,620.00 from the Marital Trust and \$1,600 from the Bypass Trust. Need copy of such appraisal. **Supp: Copy of appraisal is attached.**
- (g) On 10/20/06, petitioner closed the blocked account held in the Bypass Trust in the amount of \$102,678.76. Question whether these were the funds that were ordered to be returned to Frank Kudjer per Court Order dated 10/2/06? If so, the total sum of \$107,048.00 was to be returned to Frank Kudjer. Question if the balance of \$4,369.24 was also returned and if so, when was balance returned as it does not appear in the accounting? **Supp: The sum of \$7,048.00 was paid. Thereafter, the balance of the \$100,000, together with accrued interest was paid.**
- (h) In 2007 and 2008, there are various "loans" from the Marital Trust to the Survivor's Trust totaling \$34,650.18 as well as loans from the Bypass Trust to the Survivor's Trust totaling \$104,922.61. It appears that \$90,000 was transferred back to the Bypass Trust on 12/12/08 and \$34,650.28 returned sporadically to the Marital Trust on 12/20/07, 2/19/07 and 12/18/08. Question the need for such loans? **Supp: The loans (or transfers) were made for the convenience of petitioner and were of no significance.** Further question whether all sub-

trusts are now funded with the appropriate assets or whether loans are outstanding to the sub-trusts so that no further tax consequences could occur. File further verified supplement.

- (i) In 2008, the accounting shows that the real property on Oak Glen Road was demolished (total board up, asbestos removal and demolition cost approximately \$50,000), yet on 12/14/07, tree trimming and repairs were done for \$6,200. Question why maintenance was completed for a property that was going to be demolished? Also question the circumstances and need for demolition? **Supp: While the building required demolition, the 10 acre property required maintenance to keep it from any violations through Code Enforcement and the neighboring land owners.**

RECOMMENDATION:

Inquire status of distribution of real property and other assets.

Re Fees: Court may wish to trail this matter to 4/29/10 to be heard with the Petition for Instructions (relative to fees paid).

Re Accounting: Court to continue accounting matters to 7/14-7/16/10 in the afternoon as set forth in the 1/14/10 Minute Order.

(gls/vet/gls)

FUTURE HEARINGS

7/8/10 REDI

7/14/10 TRIAL

Superior Court of Calif, County of San Bernardino

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San Bernardino Superior Court

CIVPRO San Bernardino District

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS05540**

CASE NAME: MTR OF KUDJER FAMILY REVOCABLE LVNG TRST

SEE ALSO 18

HEARING:

Petition for ORDER INSTRUCTING TRUSTEE RE: DISTRIBUTION

COUNSEL:

ANTON KUDER (PET)...GRESHAM SAVAGE NOLAN & TILDEN

KUDJER FAMILY REVOCABLE LVNG T(TRU)...

FRANK KUDJER (TP)...ARIAS AAEN

MELODIE Z SCOTT (HARTNELL LISTER & MOORE)...HARTNELL

GENERAL INFORMATION **continued from 4/29/10 at request of counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for Order Instructing Trustee re Distribution

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service.
2. Petitioner, Melodie Scott, is the successor trustee of the Kudjer Family Revocable Trust 1992. Petitioner alleges she has managed the affairs of the trust diligently and without waste. Petitioner further alleges Article 5 of the Trust provides that the trustee distribute the assets on hand to the beneficiaries and now is the appropriate time to make such distribution. The beneficiaries of the trust are the two sons of decedent/settlor. The parties have not been able to agree on whether the properties should be sold or, if distributed, which properties should be distributed to which beneficiary. Additionally, petitioner alleges there are several issues that remain outstanding prior to the distribution of the trust assets. Petitioner originally thought it would be best to let the parties resolve their differences, but petitioner has now decided to present the issues that have been brought to her attention and give a proposed distribution as follows:
 - (a) Social security received by Frank and not applied to Cecelia Kudjer's care (i.e., \$23,135.00). Petitioner alleges this sum should be deemed a distribution to Frank and charges against his distribute share.

- (b) Vehicles: 1966 Chevrolet El Camino and 1973 Mercedes were transferred out of the trust by and to Frank or members of his immediate family on or about 4/8/05. Petitioner contents the transfers were not for fair and adequate consideration and the conveyance was not made with the knowledge or consent of the co-trustee. Thus, the vehicles should be returned to the estate for sale or distribution.
 - (c) Trust fees paid to Toni David Werner, counsel for Toni, requested that the trust compensate his client for trustee fees totaling \$16,663.38 as well as \$1,403.79 for expenses. Petitioner alleges that the sum requested was reasonable and a proper charge against the estate.
 - (d) Overpayment of Attorney's Fees to Toni Petitioner alleges the final statement of decision orders the Trust to pay Toni's attorney's fees of \$114,993.10. The petitioner issued a check of \$57,000 on 1/22/07 and when funds became available, petitioner inadvertently paid the full amount of \$114,993.00 on 3/8/08 which created an overpayment to Toni in the amount of \$57,000. Petitioner requested Toni to reimburse the estate but Toni's counsel responded that the trust was over-paid by \$48,833.75 for his transmission shop rent. Petitioner believes that Toni has a credit of \$54,083.75.
 - (e) Surcharge not received from Frank Petitioner believes that the trust has not received the sum of \$54,847.66 from Frank pursuant to the Interim Statement of Decision dated 5/25/05. Petitioner believes that Frank should pay the trust this sum.
 - (f) Guns Frank alleges that Toni took antique firearms from the person of Cecelia or the trust. Toni has responded that he was given the firearms during the lifetime of his father and mother and he further responded the firearms are not antiques. As petitioner has insufficient information, no recommendation can be given.
 - (g) Disposition of Trust Assets in POD Accounts Petitioner alleges the trust possessed POD accounts, and petitioner believes that such accounts were closed by Frank and not shared with Toni.
 - (h) Transfers to Joint Account Petitioner alleges in 2003, Frank transferred five accounts held in joint tenancy with Frank and Cecelia. Petitioner lacks information or knowledge to determine the purpose or appropriateness of such transfers.
- 3. Petitioner gives a recommended distribution (tabbed).
 - 4. No opposition/response is filed at the time of the review of this filed.

RECOMMENDATION:

Need notice and determination of whether opposition/response will be filed. Then, Court's discretion.

(gls)

FUTURE HEARINGS: 7/8/10 REDI
7/14/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS06817**

CASE NAME: EST OF SALVADORE A LUCAS

HEARING:
Accounting Review

COUNSEL:

FRANK G S LUCAS	(PET)...	BRYAN C. HARTNELL
SALVADORE A LUCAS	(DEC)...	
ALEXANDER A ALEMANY	(SA)...	HARTNELL LISTER & MOORE
ARTURO ALEMANY	(PET)...	BRYAN C. HARTNELL

GENERAL INFORMATION

**Continued several times from 6/29/09 and last from 4/29/10 at request of counsel.
On 3/18/10, counsel states a petition to terminate due to lack of assets will be filed.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Accounting Review of Successor personal representative, Alexander Alemany.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Frank Lucas was appointed 2/10/06 and discharged 7/23/07. Arturo Alemany was appointed successor 1/24/07.
2. Alexander Alemany was appointed successor 4/21/08, no bond and a first & current account is now due.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.
(kra/smj/kra/gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **SPR SS07245**

CASE NAME: ESTATE OF RICHARD R PERROTT

SEE ALSO COMPANION FILE GARHS900001 ON THE FOLLOWING PAGE.

HEARING:
Hearing re Final Discharge

COUNSEL:

PATTI PERROTT	(PET)...	BYRON D GROVES
RICHARD R PERROTT	(DEC)...	JAMES B CHURCH
EVAN PERROTT	(OBJ)...	DILL AND SHOWLER
DONALD L EDGAR	(MAY LEE TONG	)...MAY LEE T
MICHAEL S KAHN	(PRO/PER	)...PRO/PER
GREGORY T ANNIGIAN	(GREGORY T ANNIGIAN	)...GREGORY T
BYRON D GROVES	(BYRON D GROVES	)...BYRON D G

X Reference PRO 0800931 GARHS900001

GENERAL INFORMATION

Continued from 4/1/10. Nothing new filed.

THIS CASE SET FOR HEARING ON Final Discharge of Patti Perrot prior administrator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The Court granted the first and final account on 4/13/10. The order also discharged the personal representative without the necessity of filing an additional discharge.
2. Does court wish to require a receipt by James Church, successor administrator.

RECOMMENDATION

Court's discretion.

(/gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 9:00 DEPT: S33P

CASE#: **GAR HS900001**

CASE NAME: IN THE MATTER RE:HALEY MARIE PERROTT

SEE ALSO COMPANION FILE SPRSS07245 ON THE PREVIOUS PAGE.

HEARING:

Hearing Re: GUARDIANSHIP

COUNSEL:

PATTI PERROTT (PET)...BYRON D GROVES

COMPANION FILES= SPRSS07245 & PROPS0800931.

GENERAL INFORMATION:

Temporary Letters issued 1/28/09.

Continued from **3/9/09** at request of counsel.

Continued from 4/27/09, 7/20/09, 10/29/09, 1/21/10 and 5/20/10 at request of counsel as probate matter still pending (SPRSS07245)

THIS CASE IS SET FOR HEARING ON: Petition for Guardianship, Estate only, by mother, minor 16

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner requests all funds be placed in a blocked account in lieu of bond. JTD
2. Ward is a beneficiary of 37.5% trust real property.
3. Petitioner requests 2590 powers to purchase real property with prior Court approval and to agree to possible settlements in cases pending in Riverside and San Bernardino Counties. Court may wish to require petitioner to advise court regarding the terms of a proposed sale prior to approval. JTD
4. Father, paternal grandparents and maternal grandparents are deceased.
5. Court to review the Guardianship Questionnaire and Confidential Screening forms (tabbed).
6. Petitioner alleges minor has Chippewa Indian Ancestry, but amount, place, band or other information is unknown. Petitioner has provided authority that parents are not within the meaning of an Indian Custodian under CRC 7.015, Pr.C. 1409 and 25 U.S.C. Sec. 1901. Furthermore, that this guardianship is for the estate only. Thus, ICWA notice does not apply. JTD

RECOMMENDATION:

Court's determination re bond. If approved, set future hearings for proof of deposit into blocked account (suggest 30 days), filing of Inventory & Appraisal on **12/23/10** and for Accounting Review on **7/28/11**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(kra/smj/gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 06/03/10 TIME: 10:30 DEPT: S33P

CASE#: **CON DS1000013**

CASE NAME: WILLIAM HARNISHFEGER

HEARING:
Accounting Review

COUNSEL:
BARBARA ANN SIMMONS (CPE)...
WILLIAM HARNISHFEGER (CTP)...
SOUTHERN CALIFORNIA BONDING SE(TP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Barbara Simmons was appointed conservator of the person and estate on 11/1/85 by Riverside Superior Court. Riverside Court determined that all subsequent accountings are waived and on 12/4/09, the matter was transferred to San Bernardino County.
2. Court may wish to require an accounting or waiver of accounting, if applicable.

RECOMMENDATION:
Find out status.
(gls)

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS01747**

CASE NAME: MATTER OF JESSE MUNOZ

HEARING:

FIRST Account and Report of VERLENE CAMERON and Petition for allowance of fees filed.

COUNSEL:

DANIEL RIVAS	(PET)...	JOHN D MICKU S
JOHN D MICKUS	(PET)...	JOHN D MICKU S
JESSE MUNOZ	(CEP)...	
VERLENE CAMERON	(SC)...	JOHN D MICKU S

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees by successor conservator, Verlene Cameron PPF

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/6/09 – 1/27/10
2. Assets on hand: \$4,001.45 (cash)
3. Petitioner requests fees of \$5,272.50. Billed at \$95/hour for 55.30 hours. This calculation is equal to \$5,253.50. JTD
4. Petitioner requests fees as attorney in the reduced amount of \$3,000 (itemization shows fees would have totaled \$4,558.00). Billed at \$300/hour for attorney time and \$75/hour for paralegal time. Itemized. JTD
5. Petitioner alleges current bond of \$55,000 remains sufficient. Ok.
6. On disbursements, do not see any expenses paid for homeowner's insurance and property taxes. Question whether these are paid through the mortgage impound account? File verified supplement.

RECOMMENDATION:

Need to clear note 6. If approved, set hearing on the next accounting review for **6/7/12**.
(gls)

FUTURE HEARINGS

8/12/10 Final Discharge

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS01753**

CASE NAME: MATTER OF DORIS E KERR

HEARING:
Accounting Review

	COUNSEL:
DONNA E ADAMS	(CPE)...PRO/PER
DORIS E KERR	(CEP)...

GENERAL INFORMATION

Continued from 4/1/10 for waiver of account to be filed. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting dispensed on 03/14/08.
2. Conservatee died on 06/28/09.
3. Need final accounting and report for 02/01/08 – current. The final accounting shall be filed within 120 days after conservatee's death unless good cause for the delay is shown per local rule 20-1410(b). **A declaration in lieu of final accounting is filed per Pr.C. §2628. Petitioner waives fees. Attached is a letter from Dept. of Health Services indicating the balance of funds were paid to them in lieu of a claim.**

RECOMMENDATION

RFA. If approved, set hearing on the filing of receipts and final discharge for **6/23/11**.
Cbr/gls

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS01913**

CASE NAME: MTR RE GUY G STOBART

HEARING:

FIRST Account and Report of VERLENE CAMERON and Petition for allowance of fees filed.

COUNSEL:

TONY SANCHEZ	(CPE)...PRO/PER
ROBIN L SANCHEZ	(CPE)...PRO/PER
GUY G STOBART	(CEP)...EDWARD B FISCHER
JOHN D. MICKUS	(SC)...JOHN D MICKUS
VERLENE CAMERON	(SC)...JOHN D MICKUS
US DEPT OF VETERANS AFFAIRS	(TP)...ALAN K ACHEN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current of Successor Conservator and Petition for Additional Bond

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/6/09 – 1/31/10
2. Assets on hand: \$62,112.34 (cash)
3. Petitioner requests fees as conservator in the amount of \$2,584.00. Billed at \$95/hour for 27.2 hours. Itemized.
4. Attorney requests fees of \$3,590.50. Billed at \$300/hour for attorney time and \$85/hour for paralegal time. Itemized. JTD
5. A supplemental final is filed along with successor conservator's accounting showing a cash balance of \$2,768.90. Has this sum been transferred to the successor conservator? File verified supplement.
6. Petitioner alleges the current bond of \$111,000 is insufficient. Petitioner requests that an additional bond of \$20,000 be ordered for a total bond of \$131,000. Appears adequate. JTD

RECOMMENDATION:

RFA subject to note 5 and court's discretion re fees and bond increase. If approved, set next accounting review for **6/7/12**. Accounting to be filed 30 days in advance.
(gls)

FUTURE HEARINGS

6/24/10 Final Discharge

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE J MICHAEL WELCH

DATE: 06/03/10 TIME: 10:30 DEPT: S33P

CASE#: **SC SS02357**

CASE NAME: MTR OF GENE T. FITZWATER

HEARING:

FIRST Account and Report of VERLENE CAMERON and Petition for allowance of fees filed.

COUNSEL:

JOHN D. MICKUS	(CE)...JOHN D MICKUS
GENE T. FITZWATER	(CTE)...
VERLENE CAMERON	(SC)...JOHN D MICKU S

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees, Additional Bond and for Change of Venue

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/6/10 – 1/31/10
2. Assets on hand: \$161,161.01 (cash)
3. Petitioner alleges during the accounting period, conservatee was released from Patton and moved to Los Angeles County where he currently resides. Petitioner, therefore, believes this matter should be transferred to the Central District of the Los Angeles Superior Court. JTD
4. Petitioner requests fees as conservator in the amount of \$3,439.00. Billed at \$95/hour for 36.2 hours. Itemized. JTD
5. Attorney requests fees of \$3,603.00. Billed at \$300/hour for attorney time and \$85/hour for paralegal time. Itemized. JTD
6. Petitioner alleges current bond of \$173,500 is insufficient and should be increased by \$42,000 for a total of \$215,500. Appears adequate. JTD

RECOMMENDATION:

RFA subject to court's discretion re fees, bond increase and transfer. If court authorizes transfer, court to set review date for status (suggest 30 days).
(gls)

FUTURE HEARINGS
8/12/10 Final Discharge

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE J MICHAEL WELCH

MISC.

DATE: 06/03/10 TIME: 1:30 DEPT: S33P

CASE#: **PRO PS0900461**

CASE NAME: LISA MARIE FINDLEY

HEARING:

Court Trial set for PETITION FOR PROBATE of DANIELLE WARREN

COUNSEL:

DANIELLE WARREN (PET)...MCINTYRE LAW GROUP
BRITTANY WARREN (PET)...MCINTYRE LAW GROUP
LISA MARIE FINDLEY (DEC)...
JERALD JOHN RACZ SR (PET)...GEORGE L. MARTIN
STATE OF CALIFORNIA FANCHISE T(TP)...PRO/PER

No notes – Court Trial

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

PROBATE

DATE: 06/03/10 TIME: **8:30** DEPT: S34P

CASE#: **PRO DS1000326**

CASE NAME: NAFIZA NOOR SPECIAL NEEDS TRUST

HEARING:

Petition for FOR AUTHORIZATION TO CREATE AND FUND A SPECIAL
NEEDS TRUST

COUNSEL:

NAFIZA NOOR SPECIAL NEEDS TRUS (TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Authorization to create and fund a
special needs trust

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, Abul Kalam Azad, was appointed guardian ad litem for Nafiza Noor (proposed trust beneficiary) in a civil medical malpractice case (CIVSS703542). Ms. Noor is in a persistent vegetative state from which she is not expected to recover. Petitioner has received an offer of settlement from some of the defendants in the case (approximately \$200,000) and is preparing to present to the court a motion to accept the settlement offers. Nafiza is currently receiving Medi-Cal benefits and such settlement would disqualify her from receiving such benefits. Petitioner requests authority to crease and fund a special needs trust which terms are as follows:
 - (a) The trust shall be known as the Nafiza Noor Special Needs Trust
 - (b) Abul Kalam Azad to serve as trustee of the special needs trust without bond as the proceeds are community property of petitioner and the beneficiary. JTD
 - (c) The trustee shall account annually.
 - (d) The trust shall pay for the special needs of the beneficiary and upon the beneficiary's death, the funds will be paid to Department of Health Services.

- (e) There is a no commingling provision. Thus, while community property, no additions or deletions can be made to/from the community that does not belong to the Trust.
- 2. Court has discretion to appoint counsel for proposed beneficiary.

RECOMMENDATION:

Court may wish to appoint counsel for proposed beneficiary. If granted, set accounting review for **8/11/11**. Accounting to be filed 30 days in advance.

(gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: PRO DS1000102

CASE NAME: MTR OF ROBERT ROWLAND

SEE ALSO 3

HEARING:
Petition for LETTERS OF ADMINISTRATION W/IAEA

	COUNSEL:
CAREN DUNLOP	(PET)...JAMES B CHURCH
ROBERT ROWLAND	(DEC)...
JUDY OSWALD	(PET)...HOWARD S BORENSTEIN

GENERAL INFORMATION

Continued from 3/29/10 to be heard with competing petition.

Continued from 4/29/10. Issue of who has priority to be briefed. Mr. Church to file P&As within 14 days. Mr. Borenstein may file reply.

THIS CASE SET FOR HEARING ON

- Petition for Letters of Administration with full authority under IAEA, by friend (Caren Dunlop)
- Competing Petition for Letters of Administration with full authority under IAEA, by sister (Judy Oswald)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition by Dunlop:

1. Petitioner is requesting all proceeds be placed in a blocked account. There appears to be no personal property, only real property. JTD
2. Petitioner indicates she is the decedent's girlfriend and is entitled to appointment. However, the decedent's parents have priority per Pr. C. § 8461. Court may wish to inquire whether the decedent's parents may be petitioning for appointment.
3. **Objections filed by Judy Oswald to the petition by Caren Dunlop.**

Petition by Oswald:

4. Decedent's parents decline to act and have nominated Judy Oswald

5. All heirs waive bond.

RECOMMENDATION

Petitioner Oswald has priority of appointment. If approved, set future hearing for Accounting/Status Review on **8/11/11**. Any accounting to be filed 30 days in advance. Note Local Rule requirements.

(cbr/abs/kra/gls/fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000102**

CASE NAME: MTR OF ROBERT ROWLAND

SEE ALSO 2

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

CAREN DUNLOP
ROBERT ROWLAND
JUDY OSWALD
JUDY OSWALD

(PET)...JAMES B CHURCH
(DEC)...
(PET)...HOWARD S BORENSTEIN
(PET)...LAW OFFICE OF HOWARD S BORENSTEIN

See notes on prior page (matter #1).

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000186**

CASE NAME: RUBY ISAAC MORALES

HEARING:
Petition to determine succession to Real Property

	COUNSEL:
LYDIA M. LEYVA	(PET)...ROBERT B ADAMS
RUBY ISAAC MORALES	(DEC)...

GENERAL INFORMATION

Continued from 4/26/10 to clear notes.

THIS CASE SET FOR HEARING ON Petition to Determine Succession to Real Property

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, sister of decedent, is requesting 100% of the decedent's 25% interest in real property. Petitioner also states there is personal property; however there is none listed in the Inventory and Appraisal. Need amended petition and/or corrected Inventory and Appraisal.
2. Petitioner states that there are 7 more individuals requesting interest in the real property. All parties must petition for interest. Need amended petition with signatures of all parties entitled to interest in the property.
3. Need notice of hearing and proof of service.

RECOMMENDATION

Need to clear notes.

(cbr/fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000306**

CASE NAME: ANTIONETTE MARIE SIMMONS LIVING TRUST

HEARING:

Petition for FOR INSTRUCTIONS & TO RETAIN /PAY COUNSEL TO PURSUE
DEFAULTING PURCHASER

COUNSEL:

DIANE D. HARKISON (PET)...M DANIEL SAYLOR
ANTIONETTE MARIE SIMMONS LIVIN(TRU)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Instructions and alternatively, to retain and pay counsel to pursue defaulting purchaser or to abandon or distribute the claim

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner is the currently appointed and acting successor trustee of the Antoinette Marie Simmons Living Trust u/t/d/ 4/24/96, as well as the appointed and acting conservator of Darrilyn Marie Simmons (Los Angeles County, Case No. GP013224). Petitioner seeks to pursue a defaulting purchaser under a sale of real property that was confirmed in the LA County case whereby one-half of the interest in the property was held by the conservatorship and the other one-half by the Trust. An offer for \$412,000 was originally accepted from David Tenerelli who declined to complete the sale. A reappraisal for sale was completed by the Probate Referee with a value of \$275,000. A back-up offer of \$275,000 was made by Robert Drake and was ultimately confirmed by the court. In addition, petitioner in order to stall a foreclosure proceedings arranged for a short term loan. Petitioner alleges that a petition for instructions was filed in the LA County case on or about 4/16/10 but the court dismissed the petition without prejudice ruling that a separate trust proceeding was required. Petitioner seeks to pursue a \$140,000 claim in the difference between the sale price and bid price
2. Petitioner as successor trustee alleges the trust administration has been in the County of San Bernardino. However, question whether LA County took

jurisdiction of the Trust when it appointed petitioner as successor trustee on or about 11/16/07? And how this court now has jurisdiction of a pending trust action in Los Angeles County. File verified supplement with points and authorities.

RECOMMENDATION:

Need verified supplement with points and authorities.

(gls)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO DS1000310**

CASE NAME: ALDENA A HARRIS

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA.

COUNSEL:

ANNA KAREN MELER
PAULA SUE TAMBEREN
ALDENA A HARRIS

(PET)...LAW OFFICES OF STEVEN GROSS
(PET)...LAW OFFICES OF STEVEN GROSS
(DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Probate of Will, Letters Testamentary
With Full Authority Under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It appears this petition is to probate a lost will; however the caption does not reflect the title. Court may wish to allow counsel to interlineate in title. JTD
2. The original will is apparently lost. Petitioners have attached a photocopy of the will. When a will is lost, and was last in the testator's possession, it is presumed that the testator destroyed the will with the intent to revoke it. Pr.C. 6124. This presumption affects the burden of producing evidence and unless petitioner can overcome the presumption, no valid will exists. Petitioners and attorney have submitted a declaration in support of lost will; tabbed. Judge to decide.
3. Will waives bond.

RECOMMENDATION:

Court's discretion re note 2. If approved, set future hearing for Accounting/Status Review on **8/11/11**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0600216**

CASE NAME: MTR OF DENIS WELDON HALE

HEARING:
Accounting Review

COUNSEL:
PRISCILLA MAE GORGAS-PASTOR (PET)...D HERSHEL WILSON
DENIS WELDON HALE (DEC)...

VACATE - Probate status report filed and calendared for 6/23/10.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700050**

CASE NAME: COLETTE KAIM

HEARING:

Hearing Re: ORDER TO SHOW CAUSE RE: SANCTIONS

	COUNSEL:
IRISE PHILLIPS	(PET)...PRO/PER
COLETTE KAIM	(DEC)...
BERNARD M BIDART	(TP)...

GENERAL INFORMATION:

Matter set 8/24/09 at hearing re final discharge after no appearance and no final discharge or receipts filed.

Continued from **09/28/09**. No appearance. Citation issued to Irise Phillips.

Continued from **3/11/10** for receipts and final discharge order. Court notes that service of citation on Irise Phillips was unsuccessful. Court continues hearing and directs that notice of hearing be mailed to Arizona address as reflected on the judgment settling first and final account and report filed 6/23/08. Irise Phillips is ordered to personally appear.

Continued from 4/15/10. Irise Phillips is ordered to file receipts or personally appear Notice mailed to Irise Phillips at Arizona address.

THIS CASE IS SET FOR HEARING ON: Order to Show Cause: Sanctions

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution entered 6/23/08.
2. Need receipts from beneficiaries.
3. Need ex-parte petition/order for final discharge submitted.
4. **Citation returned not served due to bad address. Does court wish to issue another citation directed to personal representative at current address? Alternatively, Court may wish to continue matter and notice other heirs that Court will discharge personal representative absent objections. JTD.**

RECOMMENDATION:

Court's discretion.

(fhl/cbr/fhl/kra/fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0700368**

CASE NAME: BEATRICE CALDWELL

HEARING: Hearing re Final Discharge

COUNSEL:

GLYNN W CALDWELL jr (PET)...JUDITH L HUBERT
BEATRICE CALDWELL (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for final distribution entered 6/25/09.
2. No receipts or final discharge order have been filed.

RECOMMENDATION:

Inquire status.

(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0701060**

CASE NAME: BRENDA J BIANCHI

HEARING:

WAIVER OF Account and Report of KETAI NEAL and Petition for
allowance of fees filed.

COUNSEL:

KETAI NEAL	(PET)...LARWILL & WOLFE
BRENDA J BIANCHI	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. All heirs waive accounting.
2. Attorney requests statutory fees of \$10,246.07.
3. Petitioner waives statutory commissions.
4. Petitioner states 1 creditor claim was filed (8/7/08) that no action was taken on the claim and as it was filed after expiration of creditor claim period (4/10/08), it will not be paid. Creditor did not file petition to allow late claim. Additionally, claim was filed more than 1 year after date of death (7/26/07) so is barred per CCP 336.2.
5. Graduated filing fee of \$65 was paid with the filing of original petition for probate. Per Burkey v. State of California (2008) 161 Cal.App.4th 465, graduating filing fees are not due. The estate is entitled to a refund of \$65.

RECOMMENDATION:

RFA. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for **6/9/11**.

(fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800114**

CASE NAME: **MF**ROBERT J ROUNCE

HEARING:

FIRST AND FINAL Account and Report of U.S. BANK and Petition for allowance of fees filed.

	COUNSEL:
U.S. BANK	(PET)...ALTHOUSE & MCDONOUGH
ROBERT J ROUNCE	(DEC)...
PUBLIC ADMINISTRATOR	(PET)...HORSPOOL & PARKER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Assets on hand \$156,243.07 consisting of cash
2. Petitioner is the successor administrator and alleges that the decedent was survived by only one issue, John Rounce, who post deceased decedent. Petitioner alleges that John Rounce left no known heirs and proposes to distribute the estate to the State of California Treasurer. However, the share in a decedent's estate of a beneficiary who survives the decedent but who dies before distribution shall be distributed with the same effect as though the distribution were made to the beneficiary while living per Pr.C.§11801. Question the authority to distributing to the State and not to the Estate of John Rounce? Need verified supplement with corrected proposed distribution or authority supporting distribution to the State Treasurer. **Supp: Petitioner alleges there are no known heirs and the share should escheat to the estate.** Question whether petitioner has inquired with an heir search organization to locate distant relatives? Additionally, the estate of John Rounce should be administered as he survived decedent and then subsequently died. Thus, distribution should be paid to the personal representative of his estate.

3. Petitioner and attorney request statutory fees of \$8,992.06, which consists of 2/3 of the statutorily allowed fees as 1/3 was already paid to the prior administrator. Ok.
4. Petitioner requests extraordinary compensation of \$3,725.00 for preparation of tax returns for 2006-2010. **Supp: The amount of \$3,725.00 for preparation of tax returns should not be considered extraordinary compensation. This sum will be taken from the \$5,000 reserve. JTD.**
5. Petitioner requests to withhold \$5,000 for closing expenses.

RECOMMENDATION:

RFA subject to court's discretion re note #2. If approved, court to set hearing re filing receipts and final discharge for **6/9/11**.

(kra/gls/fhl/gls)

Superior Court of Calif, County of San Bernardino

Page: 12

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800450**

CASE NAME: PETER MARCIANTI

HEARING:

PETITION FOR SETTLEMENT OF FIRST AND FINAL Account and Report of
BENJAMIN A CALAMORE and Petition for allowance of fees filed.

COUNSEL:

JOSEPH BONO	(PET)...	ROGER VON KAESBORG
PETER MARCIANTI	(DEC)...	
MARIE MARCIANTI	(PET)...	ROBERT A KRASNEY
BENJAMIN A CALAMORE	(PET)...	ROBERT A KRASNEY
PEITRO MARCIANTI	(DEC)...	

GENERAL INFORMATION

Continued from 4/26/10 to file supplement.

THIS CASE IS SET FOR HEARING ON

First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration with will annexed issued on 6/12/08. Successor letters of administration with will annexed issued to petitioner on 1/26/09.
2. Petitioner and atty each request \$3,325.23 statutory fees. Calculated.
3. Petitioner requests \$1,000 reserve for closing expenses or taxes.
4. Petitioner alleges that decedent's sole beneficiary is his post-deceased wife, Marie F. Marcianti, pursuant to decedent's pourover Will dated 3/21/02. Petitioner further alleges that an Esther Calamore is the sole beneficiary of Marie F. Marcianti's will and trust. Decedent's Will is a pour over will distributing the residue to the Pietro and Marie Marcianti Trust. Need verified supplement and/or P&As supporting the validity of such distribution, including copies of the relevant estate planning documents and addressing the issue of skipping over the spouse's probate, creditors, any liability to the state or for taxes, etc. **Supp: Petitioner states that amount to be distributed to estate of post-deceased spouse falls within provisions of Pr.C. §13100, et seq., and has provided affidavit under Pr.C. §13101. The Will of post-deceased spouse (Marie Marcianti) distributes her estate to Trustee of The 2008 Marie F. Marcianti**

Revocable Living Trust. Affidavit at paragraph 7 should provide that the trustee of the trust is the successor in interest. Need to submit corrected affidavit showing trust as successor, as well as attach certified copy of death certificate of Marie Marcianti to affidavit. Furthermore, petitioner alleges that despite the intentions of Mrs. Marcianti to have all of her assets go to her intended beneficiary (Esther Calamore) she failed to inform said beneficiary that certain assets were under designation of beneficiary to other persons, but the only asset available for distribution are the assets of the subject probate. Additionally, need a copy of decedent's 2002 Trust known as the Pietro and Marie Marcianti Trust to confirm that Marie Marcianti had the right of modification/revocation, as well as to confirm there were no alternate remaindermen beneficiaries named.

RECOMMENDATION

Need to clear note 4. If approved, set hearing re receipts and final discharge for **5/2/11**.
(abs/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800524**

CASE NAME: SARAH MARIE SPAULDING *MASTER FILE*

HEARING:
Accounting Review

	COUNSEL:
JUNE B JARAMILLO	(PET)...JAMES B CHURCH
SARAH MARIE SPAULDING	(DEC)...
PAUL DONALD BEVIS	(PET)...PRO
DIANA J CARLONI	(TP)...JAMES BRUCE MINTON

GENERAL INFORMATION:

Continued from 10/28/09, 2/3/10, 3/25/10. On 2/3/10, Counsel explains the complexity and history of case and requests a continuance. This case originally filed 4/4/86.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued on 7/8/86. Successor letters testamentary issued to petitioner on 9/25/08, \$43,000 bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq. Clerk to notice bond company.
(vet/abs/gls/fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0800724**

CASE NAME: SHERWOOD W STRATTON AND MURIEL E STATTON

HEARING:

Hearing Re: REPORT OF CATHY FIX; HOME INSPECTION REPORT

SANDRA L SADLER	COUNSEL:
THE SHERWOOD W. STRATTON & MUR	(PET)...JAMES BRUCE MINTON
CHARLES E STRATTON	(TRU)...
	(STE)...AI WOODWARD

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Report of Cathy Fix; Home Inspection Report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. At 4/26/10 hearing re Status Report, Court authorized an inspection of the property by D M Webb Home Inspection Service and continued for report of Cathy Fix and inspection report.
2. Need report of Cathy Fix and inspection report.

RECOMMENDATION:

Court's discretion.

(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900004**

CASE NAME: ALFONSO PINSON

VACATED- ACCOUNTING FILED AND IS SET ON 06/10/10.

HEARING:
Accounting Review

ADRIANA BITTER
ALFONSO PINSON

COUNSEL:
(PET)...DANIEL V. DUROSS
(DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900285**

CASE NAME: LOUIS DI BELLO

HEARING:

Petition for ORDER DETERMINING TITLE TO PERSONAL PROPERTY &
REQUIRING TRANSFER OF PERSONAL PROPERTY TO THE PRO

COUNSEL:

LINDA MAXWELL	(PET)...MAUREEN MURATORE
LOUIS DI BELLO	(DEC)...
ELIZABETH DI BELLO	(PET)...LENITA A SKORETZ
CHRISTOPHER VIZZINI	(PET)...WALTER T. MOORE
MARJORIE M MIKELS	(TP)...PRO/PER
JOSEPH B SCIORTINO	(ROBERT J SPITZ)...ROBERT J
GRACE SCIORTINO	(ROBERT J SPITZ)...ROBERT J
DIOCESE OF SAN BERNARDINO	(FULLERTON LEMANN SCHAEFFER & D)...FU

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Determine Title to Personal Property
and Requiring Transfer of Personal Property to Probate Estate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner (Vizzini) is the step-grandson of decedent (Dibello). Vizzini states that he filed petition in 4/2006 requesting that he be appointed temporary conservator of Dibello. Dibello appeared with attorney (Mikels). Gloria Zeedyk and Derk Zeedyk were added to petition of Vizzini and Zeedyks were appointed as temporary conservators of Dibello. On 5/10/06, Zeedyks were relieved as temporary conservators and Linda Maxwell (Maxwell) was appointed as temporary conservator of Dibello.
2. Mikels prepared a trust and pour over Wills for Dibello and his current spouse in July, 2006 and transferred property from a trust which had been established by Dibello and his prior spouse in Sept, 1993 (as amended).
3. Maxwell filed a petition in July, 2007 to determine validity of the 2006 trust and requiring transfer of property from the 2006 trust back to the 1993 trust.

In Aug, 2007, Court granted petition and rescinded the 2006 trust and transfer documents signed by Dibello on grounds that Dibello lacked capacity at the time of execution of the documents. One of the assets determined to belong to the 2005 DiBello Living Trust was an Atlas Fund Account (#XXXXX8641-001).

4. In Jan, 2008 Maxwell determined that Mikels had prepared transfer documents relating to the Atlas Fund Account wherein \$25,000 was redeemed on 6/7/07 and deposited into an account at Citizens Business Bank, title to which was held in the 2006 trust.
 5. Vizzini (petitioner herein) states that 8 checks were written by Dibello to Mikels totaling \$20,680.78.
 6. Vizzini alleges the following:
 - a. Alleges that Mikels wrongfully took, concealed and disposed of property belonging to Dibello and is liable for twice the value of the property per Pr.C. §859.
 - b. Alleges that Mikels committed financial elder abuse pursuant to WIC §§15610.07 and 15610.30 and is liable for damages per WIC §15657.5 as Mikels took, secreted, misappropriated and retained personal property belonging to Dibello for her own personal enrichment at the expense of Dibello and in so doing that Mikels acted in bad faith.
 - c. Alleges that Mikels is guilty of recklessness, oppression, fraud, and malice in the commission of elder abuse and is liable for all attorney's fees and costs in an amount to be determined and punitive damages in the amount of \$50,000 per WIC.
 - d. Alleges that Mikels is guilty of malice and is liable for all attorney's fees and costs in an amount to be determined and punitive damages in the amount of \$50,000 per CC §3294(a).
 7. Vizzini requests the following orders:
 - a. That Court order Mikels return the amount of \$20,680.78 to Maxwell as Administrator of Dibello's estate per Pr.C. §850.
 - b. That Court order Mikels pay an additional sum of \$20,680.78 to Maxwell as Administrator of Dibello's estate as double damages for the wrongful taking concealment and disposition of property belonging to Dibello per Pr.C. §859.
 - c. That Court order Mikels pay to Maxwell her conservator fees and costs in an amount to be determined per WIC §15657.5.
 - d. That Court order Mikels pay to Maureen Muratore, attorney for Maxwell, reasonable attorney's fees and costs in amount to be determined per WIC §15657.5.
 - e. That Court order Mikels pay to Walter T. Moore reasonable attorney's fees and costs in an amount to be determined per WIC §15657.5.
 - f. That Court order Mikels pay punitive damages in the amount of \$50,000 to Maxwell as Administrator of the estate of Dibello per CC §3294.
- Judge to decide.

8. Need notice of hearing and proof of personal service on Linda Maxwell in her capacity as administrator of the estate, Linda Maxwell in her capacity as Successor Trustee of the Trust, and Marjorie M. Mikels.
9. Court may wish to require that a copy of the Louis DiBello Trust dated March 25, 2005 be filed in order to determine that all beneficiaries of said trust are noticed. JTD.

RECOMMENDATION:
Require proper notice.
(fhl)

X Reference RC 00589 RCV 090321

FUTURE HEARINGS
11/29/10 ACCOUNTING REVIEW

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900508**

CASE NAME: THE 2002 MARCY L. KMIECIAK REVOCABLE TRUST

HEARING:

Motion Re: ORDER QUASHING & ISSUING PROTECTIVE ORDER LIMITING
DEPO SUBPEONA TO PARISHIONERS Filed by Petitioner NANCY LYNN
BURTON

COUNSEL:

ELIZABETH DAVIS	(PET)...	DAVID A ESQUIBIAS
THE 2002 MARCY L. KMIECIAK REV	(TRU)...	
NANCY BURTON	(PET)...	DAVID P. HUTCHENS
NANCY LYNN BURTON	(TEE)...	
IMOGENE KMIECIAK	(JENNISON & DOODS	)...JENNISON

No notes – Judge to decide.

FUTURE HEARINGS

8/23/10 REDI

8/24/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900631**

CASE NAME: DONALD H. ROSE

SEE ALSO 19 20

HEARING:
Petition for REDIRECT TRANSFER OF FUNDS

	COUNSEL:
DAMON T ROSE	(PET)...SOHEILA AZIZI & ASSOCIATES P C
DONALD H ROSE	(DEC)...
SVEN E ROSE	(OBJ)...BRIAN J SIMPSON

X Reference PRO 0600080

GENERAL INFORMATION:
Continued from 10/8/09, 11/9/09, 01/21/10, 4/20/10. On 4/20/10 Court notes this contested issue is to be tried at Court trial.

THIS CASE IS SET FOR HEARING ON Petition for Redirect Transfer of Funds
(Pr.C.§850)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner, Damon Rose, is one of two sons of Donald H. Rose (deceased). Donald Rose had executed the Donald H. Rose Trust on 3/10/04 which contained some assets believed to be owned by him. Other assets were not included in the trust. Among those assets was an individual retirement account held at Charles Schwab. The beneficiaries of the Schwab account were petitioner and his brother. Following the death of Donald Rose, petitioner was aware of the account and sought distribution of his one-half interest. Petitioner alleges his brother also encouraged such distribution as evidenced by a letter dated 7/11/06 (see yellow tab). However, on or about 11/4/05, Sven Rose obtained possession of the one-half interest in the Schwab IRA account bellowing to petitioner by Declaration under Pr.C. §13100. Petitioner demands return of his one-half of the Schwab account in the amount of \$44,042.78 or in the alternative a redirect transfer to the Charles Schwab account.

2. The Donald H. Rose Trust matter is also under the jurisdiction of this court (PROPS0600080). Petitioner has filed objections to an accounting of the trustee, Sven Rose, which have been set for 1/8/10. Does court wish to consolidate this issue under the Trust action? JTD
3. Notice of hearing and proof of mailed notice is given and Citation returned.
4. Petitioner has obtained a fee waiver. However, there is a related Trust matter (PROPS0600080) whereby petitioner alleges there are sufficient assets. Court may wish to require the filing fee of \$355 paid forthwith.
5. **Opposition filed by Sven Rose, respondent.**
6. **Reply filed by Damon T. Rose, petitioner.**

RECOMMENDATION:

Need to clear notes then set for contested hearing.

(gls/abs/smj/kra/gls/vet/fhl)

FUTURE HEARINGS:

6/7/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900631**

CASE NAME: DONALD H. ROSE

SEE ALSO 18 20

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

DAMON T ROSE	(PET)...SOHEILA AZIZI & ASSOCIATES P C
DONALD H ROSE	(DEC)...
SVEN E ROSE	(OBJ)...BRIAN J SIMPSON

X Reference PRO 0600080

GENERAL INFORMATION

Continued from 10/8/09, 11/9/09 & 01-21-10.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full
authority under IAEA filed by Damon T. Rose

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be waived as the estate value is unknown. Court may wish to set minimum bond (i.e., \$20,000) with requirement that petitioner advises court within 72 hours once bond is insufficient. JTD
2. Petitioner has obtained a fee waiver on this matter. However, there is a related Trust matter (PROPS0600080) whereby petitioner alleges there are sufficient assets. Court may wish to require the probate filing fee of \$355 paid forthwith.
3. **Objection filed by Sven Rose.**

RECOMMENDATION:

Need to clear notes then set for contested hearing. If approved, Court's discretion re:
bond and set hearing on the Accounting/Status Review for **8/11/11**. Accounting to be filed
30 days in advance.

(gls/abs/smj/kra/gls/vet/fhl)

FUTURE HEARINGS:
6/7/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900631**

CASE NAME: DONALD H. ROSE

SEE ALSO 18 19

HEARING:
Readiness Calendar

	COUNSEL:
DAMON T ROSE	(PET)...SOHEILA AZIZI & ASSOCIATES P C
DONALD H ROSE	(DEC)...
SVEN E ROSE	(OBJ)...BRIAN J SIMPSON

X Reference PRO 0600080

No notes – Readiness.

FUTURE HEARINGS:
6/7/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900764**

CASE NAME: SANDRA GAIL ROMERO

VACATED- PETITION GRANTED ON 05/06/10.

HEARING:
Petition to determine succession to Real Property

MARY ALICE REYES	COUNSEL:
SANDRA GAIL ROMERO	(PET)...LAW OFFICES OF KEITH S. KNOCHE
	(DEC)...

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **PRO PS0900772**

CASE NAME: PATRICIA ORTIZ MARQUEZ

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

GENINE MARQUEZ	(PET)...ARNOLD MELVIN JOHNSON
PATRICIA ORTIZ MARQUEZ	(DEC)...
RONALD ORTIZ MARQUEZ	(OBJ)...SHERAL A HYDE

GENERAL INFORMATION:

Continued from 12/01/09. Objections to be filed by 12/17/09.

Continued from 01-05-10. Attorney Johnson alleges he was never served. Evidentiary hearings are set for 04-26-10 and 04-27-10 at 1:30 p.m.

Continued from 02/16/10, 03/22/10, 4/26/10. Parties talking of settlement. On 4/26/10, matter continued for status report re: mediation efforts.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration w/full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will Waives bond.
2. **Pleading questioning will (but not a will contest) filed by beneficiary Ronald Marquez on 12/17/09.**

RECOMMENDATION:

Evidentiary hearings are set.
(vet/abs/cbr/abs/vet/cbr/fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **SPR SS04966**

CASE NAME: EST OF SHIRLEY JO LANTZ

HEARING:

WAIVER OF Account and Report of JENNIFER LYNN BROWN and Petition
for allowance of fees filed.

COUNSEL:

JENNIFER LYNN BROWN	(PET)...	MARTIN E KELLER
SHIRLEY JO LANTZ	(DEC)...	
LAURA ANN LOUCKS	(OBJ)...	FULLERTON LEMANN SCHAEFFER & D
AMERICAN CONTRACTORS INDEMNITY	(LANAK & HANNA	)...LANAK &

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Fees and for
Final Distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is one of two beneficiaries of decedent's estate and states that a settlement was reached on 7/22/09 in open Court which provided that upon petitioner performing certain acts, Laura Loucks would assign to petitioner all interest in and to the estate of the decedent. Petitioner states that she has performed all conditions of said settlement and is now the sole beneficiary of the estate. Petitioner, as sole heir, waives an accounting.
2. Need name and address of beneficiary of estate and description of property to be distributed.
3. Per the terms of the 7/22/09 settlement, need the following:
 - a. Acknowledgement of receipt of distribution by Laura Loucks.
 - b. Withdrawal by Fullerton, Lemann, Schaeffer & Dominick of assignment filed 8/4/04.
 - c. Proof of pay off of Bank of America encumbrance.
4. Petitioner states that all creditor's claims were paid. However, Mountain Caregiving filed a claim 3/12/03 in amount of \$3,904.46. Amount of \$2,548.46

was paid on the claim, leaving a balance due of \$1,356.00. Need acknowledgement of satisfaction of claim from Mountain Caregiving.

5. Petitioner waives compensation.
6. Attorney waives compensation.
7. Need notice of hearing and proof of service.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for filing of receipts and discharge for **6/9/11**.

(fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **SPR SS06102**

CASE NAME: EST OF MARGARITA G VASQUEZ (MASTER)

HEARING:
Mandatory Settlement Conference

	COUNSEL:
JENNIE VASQUEZ BARRON	(PET)...PRO/PER
MARGARITA G VASQUEZ	(DEC)...
PETER HERNANDEZ	(PET)...JAMES B CHURCH & ASSOCIATES
JOHN M RAGER	(TP)...

No notes – Settlement Conference.

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 9:00 DEPT: S34P

CASE#: **VPR VS002836**

CASE NAME: MATTER OF THE OSBORNE FAMILY TRUST

HEARING:
Accounting Review

	COUNSEL:
FRANKLIN E OSBORNE	(PET)...
LYNN A SHARP	(APP)...STANLEY W HODGE
DIANE D HARKISON	(M DANIEL SAYLOR)...M DANIEL

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Order settling first account covering period 12/13/07 – 2/28/09 approved 3/4/10.
2. Need second accounting to cover period 3/1/09 – current.

RECOMMENDATION:

Inquire status.
(fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN **CONSERVATORSHIPS**

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000046**

CASE NAME: MTR OF ROSE EDITH DELAIR

SEE ALSO 27

HEARING:
Petition for APPT OF CONSERVATOR OF THE PERSON AND ESTATE

	COUNSEL:
JEANNETTE E JOHNSON	(CP)...PRO/PER
ROSE EDITH DELAIR	(CEP)...DONNA STURGILL DIAZ
AUDREY R GRACE	(PET)...MORTENSEN & REINHEIMER, PC

GENERAL INFORMATION

Temporary orders as to Jeannette Johnson denied on 3/15/10

Continued from 4/8/10. Court appoints Jeannette Johnson as temporary conservator. Conservatee to be returned to home of Jeannette Johnson

THIS CASE IS SET FOR HEARING ON

- Petition for Appointment of Conservator, person only, by Jeannette Johnson (daughter) – Petition 1
- Petition for Appointment of Conservator, person and estate, by Audrey Grace (daughter) – Petition 2

Petition 1 (person only) filed by Jeannette Johnson:

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests dementia powers. Medical capacity declaration is filed supporting requests.
2. Need report from court-appointed counsel (Attorney Donna Sturgill-Diaz)
3. See Court Investigator's report filed.
4. Citation was personally served on 5/21/10.
5. Proof of completion of Conservatorship Training Class in file.
6. **Competing petition for appointment of conservator filed.**

7. **Objections filed by petitioner filing competing petition wherein she expresses concern over conservatee's living conditions, safety and welfare (see blue tab in file).**
8. **Need copies of Kaiser Permanente records relating to conservatee for last 4 years (see pink tab in file).**

RECOMMENDATION:

Need to clear notes.

Petition 2 (person and estate) filed by Audrey Grace:

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner requests bond in amount of \$50,000. Per Pr.C. §2320(c)(4) bond should be set at \$58,000. JTD.
2. Petitioner states that she is a resident of Riverside County and if petition is granted, she will request transfer to Riverside County. However, Court has discretion to retain jurisdiction if it is in the best interest of conservatee to do so.
3. Medical and dementia powers sought. Medical Capacity Declaration filed supporting requests
4. Need List of Contacts Information Form.
5. Need report from court-appointed counsel (Attorney Donna Sturgill-Diaz).
6. Return of citation filed 4/9/10.
7. Need proof of completion of Conservatorship Training Class.
8. Court Investigator report filed. However, report does not address this petitioner.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **1/6/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C. §1830(c); and Care Plan per Pr.C. §2352.5.

If estate powers granted, set hearing for filing of I & A, including proof of service of I & A, instructions for objection to I&A for **1/6/11** per Pr.C. §2610. Set Accounting Review hearing for **8/11/11**. Accounting to be filed 30 days in advance.

(gls/fhl)

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000046**

CASE NAME: MTR OF ROSE EDITH DELAIR

SEE ALSO 26

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
JEANNETTE E JOHNSON	(CP)...PRO/PER
ROSE EDITH DELAIR	(CEP)...DONNA STURGILL DIAZ
AUDREY R GRACE	(PET)...MORTENSEN & REINHEIMER, PC

See notes previous page (Matter #25).

CIVPRO San Bernardino District - Civil
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON DS1000112**

CASE NAME: STEVEN ORTEGA GUTIERREZ

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
GLORIA GUTIERREZ	(CP)...PRO/PER
STEVEN ORTEGA GUTIERREZ	(CTP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservator,
person only, by mother

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests medical powers. Capacity Declaration filed, however is incomplete at items 6 through 8. Need completed Capacity Declaration.
2. Petitioner alleges proposed conservatee is developmentally disabled. Need to appoint counsel.
3. Petitioner alleges proposed conservatee will attend the hearing.
4. Need return of citation.
5. Court is directed to confidential conservator screening form (blue tab).
Additionally, there are items which are incomplete on page 2. Court may wish to have petitioner interlineate on form.
6. Need to file notice of hearing and proof of service.
7. Need report of Inland Regional Center.
8. Court Investigator's report is filed.

RECOMMENDATION:

Need to clear notes. If approved, set hearing for Compliance Review for **1/6/11** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c).
(fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0700138**

CASE NAME: ALDEE MORRISON

HEARING:
Accounting Review

	COUNSEL:
CHARLES BISHOP	(CPE)...ELISABETH KEMPE-OLINGER
ALDEE MORRISON	(CEP)...

GENERAL INFORMATION:

Continued from 2/25/10, 4/29/10 at request of counsel.

THIS CASE IS SET FOR HEARING ON Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. First account approved 2/19/09.
2. Need accounting to cover period 9/1/08 – current.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(fh)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0800098**

CASE NAME: ALFONSO J TRIANA

HEARING:

FIRST Account and Report of AMELIA E TRIANA and Petition for allowance of fees filed.

	COUNSEL:
AMELIA E TRIANA	(CPE)...RONALD W ASK
ALFONSO J TRIANA	(CEP)...

GENERAL INFORMATION

Continued from 2/1/10, 3/11/10, 4/15/10 at request of counsel. At 4/15/10 hearing Court finds supplement needed.

THIS CASE SET FOR HEARING ON First Account Current and Petition for Allowance of Fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period 07/08/08 – 6/30/09.
2. Assets on hand \$474,339.92, consisting of cash in amount of \$305,019.33, balance real property, investments, and personal property.
3. Bond increased to \$580,000 on 3/11/10 (additional bond is filed).
4. Attorney is requesting fees of \$9,745.00 for 51.2 hours at \$125/275 per hour. Itemized. Attorney states that he received the sum of \$4,266.00 from petitioner's personal funds (see Note 6 below). Attorney received an additional \$1,140.76 from conservatorship estate (check 1084 on 5/21/09). Appears balance due for attorney fees is \$4,378.24. **Supp: Counsel states that any funds were deposited to his attorney-client trust account and used towards costs. A balance of \$719.27 is held in the attorney-client trust account after payment of costs.**
5. Attorney requests reimbursement of costs in amount of \$1,089.30. Itemized. Ok.
6. Petitioner is requesting reimbursement of funds advanced of \$5,000 to attorney. Attorney states he received amount of \$4,266.00 from petitioner (see Note 4 above). JTD.

7. **Counsel filed supplement explaining fees paid, costs paid, and reimbursements requests, and what was paid from conservatee's funds per 4/15/10 Minute Order.**

RECOMMENDATION

RFA subject to court's discretion re fees. If approved, Court may wish to set the next hearing re Accounting Review for **8/26/10** or a biennial Accounting Review for **8/25/11** per Pr.C. §2620(a). Any accounting to be filed 30 days in advance.

(cbr/abs/fhl/gls/fhl/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0800178**

CASE NAME: MTR OF BETTIE MAE PAGE

HEARING:
Hearing Re: OSC RE: SURCHARGE

	COUNSEL:
MARK A ROESLER	(CPE)...HINOJAS & WALLET
BETTIE MAE PAGE	(CEP)...
STATE OF CALIFORNIA DEPT OF DE	(PET)...PRO/PER
TAMMY TAYLOR	(CPE)...CUNNINGHAM & ASSOCIATES
DEPARTMENT OF DEVELOPMENTAL SE	(PET)...OFFICE OF LEGAL AFFAIRS
AMERICAN CONTRACTORS INDEMNITY	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

Continued from 2/25/10. Notice of appeal filed 2/18/10. Counsel to determine if matter is automatically stayed by appeal.

THIS CASE IS SET FOR HEARING ON OSC re surcharge

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. On 12/31/09, the Court issued its Ruling on Submitted Matter approving the claim from Dept. of Developmental Services for \$145,126.20, issuing a surcharge in the amount of \$145,126.20 against Mark Roesler, Conservator. The Court also ordered that a Second Amended Accounting be filed on or before 2/19/10. American Contractors Indemnity Company was noticed re surcharge.
2. No accounting is filed.
3. Need proof of payment to Dept. of Developmental Services in the amount of \$145,126.20 and/or return of surcharge amount to conservatorship estate.
4. **Need report of counsel whether matter automatically stayed.**

RECOMMENDATION:

Court's discretion.
(gls/fhl)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0800252**

CASE NAME: LINDSAY MACK

HEARING:

FIRST Account and Report of INLAND COUNTIES REGIONAL CENTER INC
and Petition for allowance of fees filed.

COUNSEL:

INLAND COUNTIES REGIONAL CENTE (CE)...BRUNICK MCELHANEY & BECKETT
LINDSAY MACK (CTE)...JOAN NELMS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance
of Fees.

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED.

- 1 Accounting covers period: 1/15/09 – 2/28/10.
- 2 Assets on hand: \$38,085.52 (cash held in MasterTrust).
- 3 Receipts schedule shows income consisting of pooled fund earning from the Master Trust. Question whether beneficiary is entitled to any public benefits and whether IRC is named as rep payee for benefits that should be included in the accounting? Need verified supplement.
- 4 Petitioner requests approval of trustee's fees taken in the amount of \$437.50 charged at \$218.75 per quarter (\$875/year). Generally itemized. Petitioner also requests approval of costs in amount of \$150 for initial set-up fee (one time charge only). JTD
- 5 Petitioner requests authority to take future trustee's fees of \$875/year for the first \$50,000, plus 2% for any amount over \$50,000.
- 6 Attorney requests fees of \$3,091.00, plus \$92.00 costs, for a total of \$3,183.00. Fees are billed at \$121.25-\$295/hour for attorney time and \$75/hour for paralegal time. Itemized. JTD
- 7 Petitioner states that beneficiary is interested in having trust purchase the following items:

- a. Computer program called "Jaws" (a speaking computer program). The Blind Institute offers computer classes with the program, as well as other computer programs and has evaluated beneficiary for training on Jaws. Petitioner states that beneficiary would like the trust to purchase the Jaws program for her, as well as a personal computer system.
- b. A cell phone. Petitioner indicates that no determination has been made concerning which cell phone would be most appropriate for beneficiary.

Court may wish to inquire as to cost of above items.

RECOMMENDATION:

Need to clear Note 2, then Court's discretion. If approved, Court may wish to set the next hearing re Accounting Review to cover period 3/1/10 – 2/28/11 for **4/21/11** **or** a biennial Accounting Review to cover period 3/1/10 – 2/29/12 for **4/26/12**. Any accounting to be filed 30 days in advance.

(fh)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900032**

CASE NAME: FRANCES PARMINTER

SEE ALSO 33A

HEARING: Conservatorship Compliance Review Hearing

	COUNSEL:
CARRIE VANDENBERG	(CPE)...MARK J. A. FLORY
DAVID CLARK	(CPE)...MARK J. A. FLORY
FRANCES PARMINTER	(CEP)...NOREEN FONTAINE
ELDON PARMINTER	(TP)...PATTERSON HANNA & ASSOC

GENERAL INFORMATION

Continued from 01/19/10, 4/26/10.

THIS CASE IS SET FOR HEARING ON Compliance Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Carrie Vandenberg appointed conservator, person and estate, on 06/30/09, \$606,000 bond.
2. Need proof of service of a copy of the Order for Conservatorship with Notification of Conservatee's rights per Pr.C.§1830(c).
3. Need Statement of Care Plan in accord with Pr.C.§2352.5.
4. Need final Inventory & Appraisal per Pr.C.§2610.
5. Need proof of service of Inventory & Appraisal including Instructions for Objection per Pr.C.§2610.
6. If the conservatorship estate holds interest in real property, need proof of recordation of letters in each county where the real property is located or where conservatee has security interest in real property per Pr.C.§2313.
7. Court Investigator report filed on 12/08/09.

RECOMMENDATION:

When documents are not filed as ordered, court may set a hearing in accord with Pr.C.§2655
(vet/cbr/fhl)

FUTURE HEARINGS

8/17/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900032**

CASE NAME: FRANCES PARMINTER

SEE ALSO 33

HEARING:
Petition for ATTORNEY FEES

	COUNSEL:
CARRIE VANDENBERG	(CPE)...MARK J. A. FLORY
DAVID CLARK	(CPE)...MARK J. A. FLORY
FRANCES PARMINTER	(CEP)...NOREEN FONTAINE
ELDON PARMINTER	(TP)...PATTERSON HANNA & ASSOC

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Attorney's fees filed by Dennis Assuras

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney requests fees of \$3,964.55. Billed at \$200/hour for 12.5 hours. Itemized.
2. Need to file notice of hearing and proof of service.

RECOMMENDATION:
Need notice and then Court's discretion.
(gls)

FUTURE HEARINGS
8/17/10 Accounting Review

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900220**

CASE NAME: HELEN BARBARA COOPER FORTUNE

HEARING:
Hearing Re: PLACEMENT REVIEW

	COUNSEL:
LINDA BEEBE	(CPE)...SKVARNA LAW FIRM
HELEN BARBARA COOPER FORTUNE	(CEP)...JOAN NELMS

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Placement Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Matter set at 3/30/10 hearing re appointment of conservator. Conservatee objected to his placement and Court set this matter.

RECOMMENDATION:
Court's discretion.
(fhl)

FUTURE HEARINGS
11/2/10 COMPLIANCE
6/7/11 ACCOUNTING REVIEW

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **CON PS0900240**

CASE NAME: MTR OF MARY ROBERTA BURDICK

HEARING:
REVIEW OF RESTRAINING ORDER

	COUNSEL:	
EARL S BURDICK JR	(CPE)...	PRO/PER
MARY ROBERTA BURDICK	(CEP)...	NOREEN T FONTAINE
ROBERTA ROSE BURDICK	(CPE)...	PRO/PER
LILI BURDICK-BIGGS	(CPE)...	PRO/PER
MARISSA BURDICK	(PRO/PER	)...PRO/PER
LILI ROSE CROW	(PRO/PER	)...PRO/PER
RORY POWELL	(PRO/PER	)...PRO/PER
COREY JOYE	(PRO/PER	)...PRO/PER
DANIELLE KENNEDY	(PRO/PER	)...PRO/PER
DALE CRAIG GASTEIGER	(PRO/PER	)...PRO/PER
PATRICK SEAN BURDICK	(PRO/PER	)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Review of Restraining Order.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. On 4/26/10, Roberta Rose Burdick and Lili Burdick-Biggs were appointed as temporary conservators, \$40,000 bond.
2. Order submitted but returned due to deficiencies. Need Order, bond and Letters re temporary conservatorship.
3. Court made orders as follows: no contact by Earl Burdick Jr. with conservatee; that no property be sold or encumbered by either tenant in common; and set this matter for review.

RECOMMENDATION:
Court's discretion.

FUTURE HEARINGS
7/6/10 TRIAL

Superior Court of Calif, County of San Bernardino

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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS01254**

CASE NAME: IN THE MATTER OF ALLEN RHAJIVE CARABALLO

SEE ALSO 37

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of CARABALLO

COUNSEL:

ALLEN RAJHIVE CARABALLO (CEP)...ANNETTE G DE BELLEFEUILLE
ARDIS ENRIGHT (CPE)...PRO/PER
RON OLUND (SC)...J. DAVID HORSPOOL
VERLENE CAMERON (PCR)...VICTOR CLARK COHEN
AMERICAN CONTRACTORS INDEMNITY(TP)...PRO/PER

GENERAL INFORMATION

Continued from 2/9/10, 3/4/10 and 4/28/10

THIS CASE IS SET FOR HEARING ON
Conservatorship Compliance Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Successor conservatorship of estate only was granted on 6/30/09; \$240,000 bond.
2. Court investigator six-month report filed and conservatee's comments tabbed. Court may wish to require report of counsel as to conservatee's concerns.
3. Proof of recordation of Letters of Conservatorship is filed 3/10/10
4. Need receipt signed by successor conservator, Verlene Cameron, for assets received.

RECOMMENDATION

Need to clear note 4 and then Court's discretion
(smj/gls)

FUTURE DATE: Accounting Review 9/7/10 (for successor)

7/29/10 RDI

8/4/10 TRIAL

Superior Court of Calif, County of San Bernardino
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CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR
HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS01254**

CASE NAME: IN THE MATTER OF ALLEN RHAJIVE CARABALLO

SEE ALSO 36

HEARING:
FIFTH AND FINAL Account and Report of *** and Petition for
allowance of fees filed.

COUNSEL:
ALLEN RAJHIVE CARABALLO (CEP)...ANNETTE G DE BELLEFEUILLE
ARDIS ENRIGHT (CPE)...PRO/PER
RON OLUND (SC)...J. DAVID HORSPOOL
VERLENE CAMERON (PCR)...VICTOR CLARK COHEN
AMERICAN CONTRACTORS INDEMNITY(TP)...PRO/PER

GENERAL INFORMATION
Continued from 1/14/10 and 4/28/10.

THIS CASE IS SET FOR HEARING ON 5th and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Accounting covers period: 11/1/08 – 8/31/09.
2. Assets on hand: \$224,556.91 (\$36,489.73 cash, \$142,500 carry value of ½ interest in real property and the balance in securities).
3. Petitioner requests fees of \$3,540.00, of which \$1,500.00 has been paid in periodic payments, leaving a balance due in the amount of \$2,040.25. Billed at \$85/hour for a total of 41.65 hours. Itemized. JTD.
4. Attorney requests fees of \$8,614.00. Billed at \$295/hour for attorney time for a total of 29.20 hours. Itemized. JTD.
5. During period of account petitioner reimbursed attorney in amount of \$431.59 for the amounts advanced by attorney for disbursement (\$2.59), accounting, prep-2nd account current (\$356.00), abstract of judgment (\$15.00), and certification fees (\$58.00). JTD.
6. Petitioner states that he inadvertently paid himself the amount of \$3,783.50 as he erroneously believed that those fees were authorized by the court at the 5/7/09 hearing on 4th account (Court allowed partial payment of attorney

fees.). Petitioner states that he repaid the fees plus interest of 5% and the repayment will be reflected in the Supplemental Accounting which petitioner will provide to the successor conservator after this accounting is approved and settled.

7. Petitioner requests that he be authorized and directed to distribute the assets on hand after payment of final expenses to Verlene Cameron, successor conservator. JTD.
8. The following notes relate to the Disbursements Schedule:
 - a. Payment to Southern California Edison in amount of \$757.97 by debit on 6/15/09 does not appear on bank statement. Need receipt from Edison or copy of statement showing amount paid.
 - b. Payments to Verizon Wireless appear excessive. Need copies of Verizon Wireless billing statements and other explanation as to the high charges.

Need verified supplement providing information pertaining to Edison and Verizon.

RECOMMENDATION

Need to clear notes. If approved, set hearing on the filing of receipts and final discharge for **6/9/10**

(/smj)

FUTURE HEARINGS

7/29/10 REDI

8/04/10 TRIAL

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS01276**

CASE NAME: MTR OF RICHARD J. DITTMER

HEARING:

FIRST Account and Report of VERLENE CAMERON and Petition for allowance of fees filed.

COUNSEL:

RICHARD J DITTMER	(CTE)...
JOHN D MICKUS	(CE)...JOHN D MICKUS
VERLENE CAMERON	(SC)...JOHN D MICKU S

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees filed by successor conservator Verlene Cameron (PPF)

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

3. Accounting covers period: 2/20/09 – 2/19/10
4. Assets on hand: \$44,878.49 (cash)
5. Petitioner requests fees of \$2,897.50. Billed at \$95/hour for 30.3 hours. Itemized. JTD
6. Attorney requests fees of \$3,210.00. Billed at \$300/hour for 10.7 hours. Itemized. JTD
7. Need to file notice of hearing and proof of service.

RECOMMENDATION:

Need notice and then court's discretion. If approved, set next accounting review for **6/7/12**. Accounting to be filed 30 days before.
(glS)

FUTURE HEARINGS

7/18/10 NO ASSETS

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS02412**

CASE NAME: MTR OF JAIME B. AGUILAR

SEE ALSO 40

HEARING:
Petition for ATTORNEY FEES AND COSTS

COUNSEL:
ROSA D. AGUILAR (CPE)...PRO/PER
JAIME B. AGUILAR (CEP)...DONNASUE SMITH-ORTIZ
CONSUELO AGUILAR RODRIGUEZ (SC)...
CONSUELO RODRIGUEZ (CE)...JAMES B CHURCH
JAMES B CHURCH (TP)...JAMES B CHURCH & ASSOCIATES

GENERAL INFORMATION:
Continued from 4/1/10 and 4/22/10 to trail accounting hearing (see page 40)

THIS CASE IS SET FOR HEARING ON Petition for Attorney Fees and Costs.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is former attorney for conservator and requests fees in amount of \$15,561.25 for 133.5 hours billed at rates of \$75-275/hour. Itemized. Attorney also requests reimbursement of costs in amount of \$1,086.00. Total requested is \$16,647.25. JTD.

RECOMMENDATION:
Court's discretion.
(fhl/gls)

FUTURE HEARINGS
6/22/10 STATUS OF RENTALS

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS02412**

CASE NAME: MTR OF JAIME B. AGUILAR

SEE ALSO 39

HEARING:
Accounting Review

COUNSEL:
ROSA D. AGUILAR (CPE)...PRO/PER
JAIME B. AGUILAR (CEP)...DONNASUE SMITH-ORTIZ
CONSUELO AGUILAR RODRIGUEZ (SC)...
CONSUELO RODRIGUEZ (CE)...WALTER T MOORE
JAMES B CHURCH (PET)...JAMES B CHURCH

GENERAL INFORMATION:

Continued from 3/11/10 and 4/22/10. On 3/11/10, the court was informed that Mr. Moore substituting in as Counsel for Consuelo Aguilar Rodriguez and would be filing an accounting within next 10 days. Ms. Ortiz to meet and confer with her client next week. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covering the period 7/3/08 – 12/31/09 is due
2. No accounting is filed. Need same.

RECOMMENDATION:

Find out status. When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(gls/fhl/gls)

FUTURE HEARINGS
6/22/10 RENTALS

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS4456**

CASE NAME: IN THE MATTER OF ROBERT ACEVES

HEARING:
Hearing Re: COURT INVESTIGATOR REPORT

	COUNSEL:
EVA ACEVES	(CPE)...PRO/PER
ROBERT ACEVES	(CEP)...CRAIG M PARKER

GENERAL INFORMATION

Continued from 4/9/10

THIS CASE IS SET FOR HEARING ON Court Investigator's Report

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. At the 4/9/10 hearing, court orders appointed counsel to review the Court Investigator's report filed 3/25/10 and report to the court re conservatee's ownership of house.

RECOMMENDATION:
Need report of counsel.
(gls)

FUTURE HEARINGS
10/20/11 Accounting Review

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS8854**

CASE NAME: IN THE MTTR OF ROBERT L KIRK

HEARING:

FIRST Account and Report of VERLENE CAMERON and Petition for allowance of fees filed.

COUNSEL:

ROBERT LEE KIRK	(CEP)...
KENNETH WAKEFIELD	(CPE)...MICHAEL J. MOLLOY
JOHN D MICKUS	(CPE)...PRO/PER
VERLENE CAMERON	(SC)...JOHN D MICKU S
NORBERT A. KIRK	(OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON First Account Current and Petition for Allowance of Fees and for Additional Bond

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting covers period: 2/6/09 – 2/8/10
2. Assets on hand: \$13,921.42 (cash)
3. Petitioner requests fees of \$2,968.75. Billed at \$95/hour for 31.25 hours. Itemized. JTD
4. Attorney requests fees of \$3,450.00. Billed at \$300/hour for 11.5 hours. Itemized. JTD
5. Petitioner requests that the current bond of \$179,000 is insufficient and requests the bond be increased to \$199,000 (an additional \$20,000). Appears adequate. JTD
6. On the accounting presented, included is a supplemental final account from counsel (the prior conservator). The assets on hand included an investment account at Wells Fargo Brokerage with a carry value of \$50,000 that is not included in the successor conservator's accounting. Question if said investment fund has been transferred to the successor conservator? File verified supplement.

7. Correspondence from the VA has been filed disallowing the accounting as it does not balance, stating a discrepancy of \$667.00. Need verified supplement as to whether this has been corrected.

RECOMMENDATION:

Need to clear notes 6-7. Court's discretion re fees and increase in bond. If approved, set next accounting period for **4/5/12**. Accounting to be filed 30 days in advance.

(gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SC SS9122**

CASE NAME: IN THE MATTER OF TAMMALA JO FARMER

HEARING:

Hearing Re: OSC RE: FAILURE TO FILE REQUIRED DOCUMENTS

COUNSEL:

TAMALLA JO FARMER (PLA) ...
JERRY L FARMER (CP)...PRO/PER

GENERAL INFORMATION

Continued from 4/26/10. No appearance and court set this OSC.

THIS CASE IS SET FOR HEARING ON OSC re failure to file accounting/waiver of accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ex parte petition to dispense with conservatorship accounting was granted on 5/1/08.
2. Petition to dispense with accounting was rejected on 4/1/10 for failing to list the assets on hand at the end of the reporting period.
3. Need corrected petition to dispense with accounting or need accounting.

RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

(abs/gls)

CIVPRO San Bernardino Superior Court
San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SG SS04790**

CASE NAME: MTR RE DEA'VONTEE NA'ZZRE THOMPSON

SEE ALSO 45

HEARING:

Petition for **SECOND**ATTORNEY'S FEES AND FOR ORDER DIRECTING
PAYMENT TO COURT APPOINTED COUNSEL

COUNSEL:

LAVONDA SHERICH WILLIAMS (GP)...DENNIS M SANDOVAL
DEA'VONTEE NA'ZZRE THOMPSON (MIN)...DONNASUE SMITH-ORTIZ
JOHN A BOYD (PET)...THOMPSON & COLEGATE
DEA'VONTEE NA'ZZRE THOMPSON (PET)...DONNASUE SMITH-ORTIZ
US BANK (PET)...J. TERRENCE MOYNIHAN
BRUCE D SIRES (TP)...PRO/PER
PFF BANK & TRUST (DENNIS M SANDOVAL)...DENNIS M

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Second Petition for Attorney's Fees filed by court-
appointed counsel (Attorney Donnasue Smith-Ortiz)

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Attorney requests fees of \$4,994.75. Billed at \$295/hour for attorney time
and \$75/hour for paralegal time.

RECOMMENDATION:

RFA subject court's discretion re fees.

(gls)

FUTURE HEARINGS

5/12/11 Accounting Review

CIVPRO San Bernardino Superior Court
San Bernardino District
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 10:30 DEPT: S34P

CASE#: **SG SS04790**

CASE NAME: MTR RE DEA'VONTEE NA'ZZRE THOMPSON

SEE ALSO 44

HEARING:
Accounting Review

COUNSEL:
LAVONDA SHERICH WILLIAMS (GP)...DENNIS M SANDOVAL
DEA'VONTEE NA'ZZRE THOMPSON (MIN)...DONNASUE SMITH-ORTIZ
JOHN A BOYD (PET)...THOMPSON & COLEGATE
US BANK (PET)...J. TERRENCE MOYNIHAN
BRUCE D SIRES (TP)...PRO/PER
PFF BANK & TRUST (DENNIS M SANDOVAL)...DENNIS M

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES/DEFICIENCIES IN THE PAPERS ARE NOTED;

1. The third and final accounting is due from the former trustee (US Bank) for the period covering 9/1/09 – 2/11/10). No accounting is filed. Need same.

RECOMMENDATION:
Find out status.
(gls)

FUTURE HEARINGS
5/12/11 Accounting Review

Superior Court of Calif, County of San Bernardino

Page: 46

CIVPRO

San Bernardino District - Civil

PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

MISC.

DATE: 06/03/10 TIME: 1:30 DEPT: S34P

CASE#: **PRO DS1000065**

CASE NAME: ARMIDA RODRIGUEZ HOLGUIN

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

MARIO HOLGUIN (PET)...JO ANN MCDOLE

ARMIDA RODRIGUEZ HOLGUIN (DEC)...

PHILLIP R HOLGUIN (OBJ)...FRANK J PRAINITO

COMPANION CASE= VCVS00439.

GENERAL INFORMATION:

Special administration denied on 2/1/10, no emergency. Counsel to publish and give creditors time to respond. Matter relates to VCVS00439.

**Continued from 3/3/10 and 4/14/10 for Philip Holguin to file objections (since filed).
Special administration denied on 3/11/10.**

THIS CASE IS SET FOR HEARING ON Petition for administration with full IAEA powers,
by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED

1. Petitioner alleges decedent's estate was the subject of a conservatorship and that the decedent's assets (\$123,792) are held in a blocked account. Petitioner requests bond be waived. Alternatively, bond may be set at \$124,000. JTD
2. **Objections filed by Philip Holguin. Need payment of first appearance fee of \$355.00 before objections may be considered.**

RECOMMENDATION

Set for contested hearing. If approved, Court's determination re bond. Set accounting review on 6/22/11. Accounting must be filed 30 days in advance. Note requirements of Local Rule 20-908.

(smj/cbr/kra/abs/gls)

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 1:30 DEPT: S34P

CASE#: **RPR RS02950**

CASE NAME: FLORENCE M WHITEHAIR

SEE ALSO 48

HEARING:
Court Trial set for PETITION FOR PROBATE of MAGGIE WHITEHAIR

COUNSEL:

MAGGIE WHITEHAIR (PET)...PRO/PER
FLORENCE M WHITEHAIR (DEC)...
FLORENCE M WHITEHAIR TRUST (TRU)...
THE ESTATE OF FLORENCE M WHITE(TRU)...
THE MATTER OF THE FLORENCE M W(TRU)...
BURDETTE M GARVIN (TP)...
SUSAN WHITEHAIR (PRO/PER)...PRO/PER

No notes – Court Trial

CIVPRO San Bernardino District - Probate
PROBATE/CONSERVATORSHIP CALENDAR

HONORABLE: JUDGE CYNTHIA LUDVIGSEN

DATE: 06/03/10 TIME: 1:30 DEPT: S34P

CASE#: **RPR RS02950**

CASE NAME: FLORENCE M WHITEHAIR

SEE ALSO 47

HEARING:
Court Trial set for SUPPLEMENTAL PETITION FOR PROBATE of MAGGIE
WHITEHAIR

COUNSEL:
MAGGIE WHITEHAIR (PET)...PRO/PER
FLORENCE M WHITEHAIR (DEC)...
FLORENCE M WHITEHAIR TRUST (TRU)...
THE ESTATE OF FLORENCE M WHITE (TRU)...
THE MATTER OF THE FLORENCE M W (TRU)...
BURDETTE M GARVIN (TP)...
SUSAN WHITEHAIR (PRO/PER)...PRO/PER

No notes – Court Trial